



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 09/827,473  
Filed : April 6, 2001  
Applicant : Joseph Allen Carroll and Robert L. Mitchell  
Title : Clip-Mounted Catalyst Device  
  
TC/AU : 1764  
Examiner : T.P. Duong  
  
Docket No. : 10782-0010  
Customer No. : 29052

**DECLARATION UNDER 37 CFR 1.132**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Robert L. Mitchell, hereby declare that:

1. I am a co-inventor of the above-identified patent application (the "Patent Application"). I also am Chief Executive Officer of Applied Ceramics, Inc., which owns rights in the Patent Application. Applied Ceramics develops and manufactures custom ceramic honeycombs and precious metal catalysts, among other products. I have over 24 years experience working in the field of designing ceramic substrate-based catalysts and associated devices for installing these catalysts in various commercial and industrial products.

2. My work in connection with this invention began as an effort to solve the problem of how to protect a fragile ceramic catalyst during its installation in an oven vent, while providing a means to quickly, easily, and securely mount the catalyst within the oven vent, without the need for mounting screws.

3. It is my understanding that Claims 1-5, 8-20, and 23, including independent claims 1 and 23, of the Patent Application are rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of U.S. Patent 3,785,778 to Burstein et al. ("Burstein") and U.S. Patent 5,285,640 to Olivo ("Olivo"), and that Claim 25 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of German Patent Publication DE 019912453 A1 to Mlotek et al. (hereinafter "Mlotek") and Olivo. I understand that the Examiner believes the claims of the Patent Application are rendered obvious in view of the teachings of Burstein, Olivo, and Mlotek, as described in the Office Action mailed May 17, 2005. I have reviewed the Office Action and the prior art cited by the Examiner, including the Burstein, Olivo, and Mlotek patents.

4. Olivo is not in the same field of technology as the invention described in independent claims 1, 24, and 25 of the Patent Application and does not deal with the same problem solved by that invention. One skilled in the art of designing catalyst mounting devices for use with ovens, at the time of the invention, would not have looked to the teachings of Olivo. The sole focus of Olivo is a device for treating engine exhaust and dampening engine noise by directing the engine exhaust emissions through a perforated conduit, passing the emissions through an oxygen-deficient reaction chamber in which a reducing catalyst is provide, heating the emissions, mixing the reduced emissions with heated ambient air supplied by an air handling shroud, and then passing the engine exhaust in contact with an oxidizing catalyst. Olivo does not relate to ovens or oven vents. Olivo is not vaguely concerned with mounting rings for installing

catalysts in an oven vent. Olivo is clearly beyond the field of technology of the invention described in independent claims 1, 24, and 25 of the Patent Application.

5. The problem addressed by the invention described in independent claims 1, 24, and 25 of the Patent Application is unrelated to the problems or solutions described in Olivo. The focus of Olivo is on a device to completely oxidize hydrocarbons and carbon monoxide in an automobile exhaust emission stream, to provide a muffler system that minimizes engine emissions noise, and aid in a more complete reduction of NO<sub>x</sub>. To address these objectives, Olivo provides a multi-purpose shroud which surrounds the outer surface of the combustion chamber (See Col. 3, Lines 21-35). The problem addressed by the invention described in independent claims 1 and 24 of the Patent Application is how to protect a fragile ceramic catalyst during its installation in an oven vent, while providing a means to quickly, easily, and securely mount the catalyst within the oven vent, without the need for mounting screws. The problems and solutions associated with engine exhaust systems as described in Olivo are very different; they were not issues directed to oven vents or devices for protecting and mounting catalysts in oven vents. Olivo is so far afield from oven vents and mounting rings, that there is no suggestion to apply any technology in Olivo to a catalyst mounting ring for an oven vent. Accordingly, one skilled in the art of designing catalyst mounting rings for oven vents would not have looked to the teachings of Olivo for combination with other prior art teachings, such as Burstein or Mlotek.

6. Based on statements in the Office Action, the Examiner appears to misunderstand the apparatus of Olivo. FIGS. 3-5 and Column 7, lines 8-10 describe attachment means for connecting upstream end piece 115a or downstream end piece 115b to tubular body 115. These

end pieces 115a and 115b are neither identical nor equivalent to catalyst mounting rings. Tubular body 115 cannot be considered to be identical nor equivalent to an oven vent. Nothing in Olivo teaches or suggests a mounting device having locking tabs extending from a ring shaped body that are engageable by snap-fit or slide-lock engagement with one or more surfaces of an oven vent to secure the catalytic converter within an orifice of the oven vent, as required by Applicants' claims 1, 24, and 25.

7. Furthermore, nothing in Olivo or Burstein teaches the particular mounting ring device designs claimed in claims 15, 16, 17, 18, 26, 27, and 28. For example, Olivo and Burstein fail to suggest a design wherein the locking tabs extend from the retaining tabs. As another example, Olivo and Burstein fail to suggest a mounting ring device wherein the mounting ring includes a first lip extending inwardly from a first edge of the body, the first lip working in conjunction with the retaining tabs folded over a portion of the first surface of the ceramic substrate at a second edge of the body to secure the ceramic substrate within the ring. Olivo and Burstein also fail to suggest a design in which the mounting ring includes a second lip extending outwardly from a second edge of the body and a portion of the one or more surfaces of the exhaust vent of the oven can be clipped into place between the second lip and the locking tabs to secure the catalytic converter within the orifice of the exhaust vent. These patents also fail to suggest a device wherein the retaining tabs and the locking tabs are integral with the ring shaped body.

8. I declare that all statements made herein of my own knowledge and belief are true and that all statements made on information and belief are believed to be true, and further that

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the statements are made with the knowledge that willful false statements are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

10-14-05

Date

Robert L. Mitchell

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